

**House File 537 - Introduced**

HOUSE FILE 537  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO HSB 54)

**A BILL FOR**

1 An Act relating to voluntary cessation of program operations  
2 and decertification of assisted living programs, and  
3 providing penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 231C.2, subsection 2, Code 2011, is  
2 amended to read as follows:

3 2. a. "*Assisted living*" means provision of housing  
4 with services which may include but are not limited to  
5 health-related care, personal care, and assistance with  
6 instrumental activities of daily living to three or more  
7 tenants in a physical structure which provides a homelike  
8 environment.

9 b. "*Assisted living*" also includes encouragement of family  
10 involvement, tenant self-direction, and tenant participation  
11 in decisions that emphasize choice, dignity, privacy,  
12 individuality, shared risk, and independence.

13 c. "*Assisted living*" includes the provision of housing and  
14 assistance with instrumental activities of daily living only if  
15 personal care or health-related care is also included.

16 d. "*Assisted living*" includes twenty-four hours per  
17 day response staff to meet scheduled and unscheduled or  
18 unpredictable needs in a manner that promotes maximum dignity  
19 and independence and provides supervision, safety, and  
20 security.

21 e. "*Assisted living*" includes any entity that meets the  
22 definition of assisted living under this subsection, whether  
23 or not the entity represents the entity to the public as an  
24 assisted living program or as a certified assisted living  
25 program, including an entity that decertifies a program  
26 but continues to provide housing and continues to be or  
27 subsequently becomes the sole provider of assistance with  
28 instrumental activities of daily living, personal care, or  
29 health-related care, by whatever means employed or contracted,  
30 including through a subsidiary, parent, or related corporation.

31 Sec. 2. NEW SECTION. 231C.11A Voluntary cessation of  
32 program operations — decertification.

33 1. The department shall adopt rules regarding the voluntary  
34 cessation of program operations of an assisted living  
35 program, including decertification. The rules shall address

1 notification of the tenants, tenant legal representatives, the  
2 department, and the tenant advocate at least ninety days prior  
3 to the anticipated date of cessation of program operations; the  
4 requirements for the safe and orderly transfer or transition of  
5 all tenants; and monitoring of the program during the process  
6 and after cessation of program operations.

7 2. Within seven days following provision of notice of  
8 cessation of program operations, the assisted living program  
9 shall hold a meeting and invite all tenants, tenant legal  
10 representatives, families of tenants, representatives of the  
11 department, and the tenant advocate to discuss the pending  
12 cessation of the program and to answer any questions. The  
13 department and the tenant advocate shall have access to attend  
14 the meeting and provide information to the tenants regarding  
15 their legal rights.

16 3. The tenant advocate shall monitor the decertification  
17 process and shall undertake any investigations necessary to  
18 ensure that the rights of tenants are protected during the  
19 process and after cessation of program operations. The tenant  
20 advocate shall assist tenants during the transition, including  
21 assisting tenants in finding necessary and appropriate service  
22 providers if the assisted living program is unable to provide  
23 such necessary and appropriate services during the transition  
24 period. The assisted living program shall cooperate with the  
25 tenant advocate by providing contact information for service  
26 providers within a thirty mile radius of the program.

27 4. Following cessation of program operations and  
28 decertification, the department shall retain authority to  
29 monitor the decertified program to ensure that the entity does  
30 not continue to act as an uncertified assisted living program  
31 or other unlicensed, uncertified, or unregistered entity  
32 otherwise regulated by the state following decertification.  
33 If a decertified assisted living program continues to or  
34 subsequently acts in a manner that meets the definition of  
35 assisted living pursuant to section 231C.2, the decertified

1 program is subject to the criminal penalties and injunctive  
2 relief provisions of section 231C.15, and any other penalties  
3 applicable by law.

4 EXPLANATION

5 This bill relates to assisted living programs.

6 The bill provides that the definition of "assisted living"  
7 includes any entity that meets the definition of assisted  
8 living whether or not the entity represents itself to the  
9 public as an assisted living program or as a certified assisted  
10 living program, including an entity that decertifies a program  
11 but continues to provide housing and continues to be or  
12 subsequently becomes the sole provider of assistance with  
13 instrumental activities of daily living, personal care, or  
14 health-related care, by whatever means employed or contracted,  
15 including through a subsidiary, parent, or related corporation.

16 The bill directs the department of inspections and  
17 appeals to adopt rules regarding the voluntary cessation of  
18 program operations of an assisted living program, including  
19 decertification. The rules specifically are to address  
20 notification of the tenants, tenant legal representatives, the  
21 department, and the tenant advocate at least 90 days prior to  
22 the anticipated date of cessation of program operations; the  
23 requirements for the safe and orderly transfer or transition of  
24 all tenants; and monitoring of the program during the process  
25 and after cessation of program operations. The bill requires  
26 that within seven days following provision of notice, the  
27 assisted living program shall hold a meeting and invite all  
28 tenants, tenant legal representatives, families of tenants,  
29 representatives of the department, and the tenant advocate to  
30 discuss the pending cessation of the program and to answer  
31 any questions. The department and the tenant advocate are  
32 authorized to have access to attend the meeting and provide  
33 information to the tenants regarding their legal rights.

34 The bill directs that the tenant advocate shall monitor the  
35 decertification process and shall undertake any investigations

1 necessary to ensure that the rights of tenants are protected  
2 during the process and after cessation of program operations.  
3 The tenant advocate is also to assist tenants in finding  
4 necessary and appropriate services during the transition if the  
5 program is unable to provide services during the transition.  
6 The assisted living program is required to cooperate with the  
7 tenant advocate by providing contact information for service  
8 providers within a 30-mile radius of the program.

9       Following cessation of program operations and  
10 decertification, the department is authorized to retain  
11 authority to monitor the decertified program to ensure  
12 that the entity does not continue to act as an uncertified  
13 assisted living program or other unlicensed, uncertified, or  
14 unregistered entity otherwise regulated by the state following  
15 decertification. If a decertified assisted living program  
16 continues to or subsequently acts in a manner that meets  
17 the definition of assisted living, the decertified program  
18 is subject to the criminal penalties and injunctive relief  
19 provisions of Code section 231C.15, and any other penalties  
20 applicable by law.